

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

REGGIE L. AIKINS,

Plaintiff,

vs.

No. CIV 07-1168 RB/RLP

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

ORDER OF REMAND AND RULE 58 FINAL JUDGMENT

THIS MATTER comes before the court on the proposed Analysis and Recommended Disposition of the United States Magistrate Judge. [Docket No. 20]. Plaintiff has filed timely objections to the Recommendation. [Docket No. 22]. The Court, having made a *de novo* review and determination,

FINDS that Plaintiff's objection is without merit, and that the Analysis and Recommended Disposition of the United States Magistrate Judge should be adopted.

IT IS HEREBY ORDERED that Plaintiff's Motion to Reverse and Remand [Docket No. 15] is granted, and this matter is remanded to the Commissioner of the Social Security Administration for additional proceedings to include:

A. Assessment of Plaintiff's residual functional capacity in a manner which comports with Social Security Ruling 96-8p and *Clifton v. Chater*, 79 F.3d 1007 (10th Cir. 1996);

B. Testimony from a vocational expert based upon hypothetical questions which relate with precision all of Plaintiff's impairments.

IT IS FURTHER ORDERED AND ADJUDGED that this is a Final Judgment pursuant to Fed. R. Civ. P. 58. Plaintiff may file an application for fees and other expenses under the Equal

Access to Justice Act within ninety (90) days of the entry of this Order of Remand and Final Judgment.

A handwritten signature in black ink, appearing to read "Robert Brack", written in a cursive style.

ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE